

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

TREY LENTZ,	:	
	:	
Plaintiff,	:	Civ. No. 24-1133 (GC)(TJB)
	:	
v.	:	
	:	
	:	
RYAN DILL, et al.,	:	
	:	MEMORANDUM & ORDER
Defendants.	:	
	:	

CASTNER, District Judge

Plaintiff Trey Lentz is incarcerated at Monmouth County Correctional Institution in Freehold, New Jersey. Plaintiff, who is pro se, filed a complaint, which is titled “Amended Complaint”, and a Civil Cover Sheet that lists Lentz v. Dill, Civ. No. 23-22490 (MAS), as a “related action.” (See ECF No. 1 at 6; ECF No. 1-1.) The complaint is dated February 20, 2024, and the Clerk’s Office docketed it as a new action on February 26, 2024. (See ECF No. 1 at 5.) Plaintiff did not apply for *in forma pauperis* (“IFP”) status or submit the filing fee.

After reviewing his submission, this Court determined that Plaintiff may have intended to file an amended complaint in Civ. No. 23-22490 (MAS),¹ The Court administratively terminated

¹ As explained in the Court’s prior Order, the timing also suggests that Plaintiff intended to file an amended complaint in Civ. No. 23-22490 (MAS). Plaintiff initiated that action in November 2023 against the same Defendants, and on January 26, 2024, Judge Shipp dismissed the original complaint and provided Plaintiff with leave to submit an amended complaint. (Civ. No. 23-22490 (MAS) at ECF Nos. 1, 4-5.) On February 11, 2024, Plaintiff sent a letter to the Court seeking the forms to file an amended complaint. (*Id.*, ECF No. 6.) Plaintiff submitted the “Amended Complaint” on February 20, 2024, but the Clerk of the Court docketed it as a new action. (Civ. No. 24-1133, ECF No. 1 at 5.)

this action by Order dated March 13, 2024, and provided Plaintiff with 30 days to clarify whether he intended to file an amended complaint in Civ. No. 23-22490 (MAS) or intended to file a new action, which required him to submit an IFP application or pay the filing fee.

Plaintiff did not meet that deadline, but he has since submitted an undated letter, which was docketed by the Clerk of the Court on July 8, 2024.² (*See* Civ. No. 24-1133 (GC), ECF No. 4.) Plaintiff states in his letter that he wrote to the Clerk of the Court and asked for a 30-day extension of time to file an amended complaint in Civ. No. 23-22490, but jail staff either failed to mail his request or threw it away. (*See id.*) Plaintiff also asks this Court to “allow [his] amended complaint to be filed upon the receiving of his letter.” (*Id.*) The Court construes Plaintiff’s letter as a request to have the complaint in this action, ECF No. 1, filed as an Amended Complaint in Civ. No. 23-22490 (MAS). The Court grants that request and directs the Clerk of the Court to docket ECF No. 1 as an amended complaint in Civ. No. 23-22490 (MAS).

Having granted Plaintiff’s request, the Court also dismisses this matter without prejudice and directs the Clerk of the Court to mark this matter as CLOSED.

IT IS, therefore, on this 9th day of August 2024,

ORDERED the Clerk of the Court shall mark this matter as OPEN so the Court may consider Plaintiff letter submission (ECF No. 4); and it is further

ORDERED that the Court grants Plaintiff’s letter request and directs the Clerk of the Court to file the complaint in this action (ECF No. 1) as an amended complaint in Civil Action No. 23-22490 (MAS), along with a copy of this Order; and it is further

ORDERED that, having granted Plaintiff’s request, the Court dismisses this action without prejudice and directs the Clerk of the Court to mark this matter as CLOSED; and it if further

² Plaintiff did not submit an IFP application or the filing fee for this action.

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Plaintiff by
by regular U.S. mail.

A handwritten signature in black ink, reading "Georgette Castner". The signature is written in a cursive, flowing style. The first name "Georgette" is written with a large, prominent "G" and a long, sweeping underline that extends under the second name "Castner".

GEORGETTE CASTNER
United States District Judge